

REMARKS

The Examiner's action of December 28, 2010 finally rejecting all the claims in the subject case is noted.

In order to expedite the examination process, Claims 12-20 are canceled without prejudice.

Applicant provides evidence of his authority to act on behalf the inventors, namely by providing herewith a suitable Power of Attorney. Thus, the Terminal Disclaimer contained herewith is effective to eliminate the double-patenting rejections in the Final Office Action.

A Notice to the Examiner regarding related cases is appended hereto.

This leads to the rejection of Claims 1-11 under 35 USC 103a as being unpatentable over Burkley et al. over Lewicke et al.

To be clear, what is being claimed is the fact that a standard handheld or other communications device carried by a first responder has its frequency and format or mode of operation altered by a dedicated module that is coupled directly to the handheld or other device. The purpose of the dedicated module is to change the frequency or format that the device is using to a common frequency and format for the ad-hoc network.

Nowhere is this shown or taught in Burkley et al. and certainly not in Lewicke et al.

Taking the Burkley et al. patent and more particularly Figure 2, it will be appreciated that the portable system controller 12000 controls portable CNC transceiver 13000 to control the frequency and format of this CNC transceiver. This is the command

and control transceiver. It has nothing to do with the handhelds or other devices used by first responders.

Thus, the Burkley et al. reference simply does not show control of radio 21000 or portable computer 23000. In short, there is no dedicated module for a handheld. This problem is simply not addressed in the Burkley et al. patent.

Moreover, it will be noticed that in Figure 2 of Burkley et al. any interoperability requires that all handhelds or computers must communicate directly with the command and control system 10000 before they can communicate with any other of the handhelds or computers within the incident area. This requires that all of the handhelds be within talking distance of command and control system. If they are out of range, there is no communication.

On the other hand, the subject system permits direct interoperable communication between handhelds without first going to any centralized command and control unit. Thus any first responder's handheld can communicate directly with any other (in range) handheld. This eliminates the problem of any handhelds having to communicate with a centralized unit at all. It also eliminates the problem of any handheld being out of range to the command and control unit.

Thus, what the claimed system allows is for various handhelds operating on various frequencies and utilizing various formats to intercommunicate with other handhelds by using their dedicated modules. Thus, this is a distributed system as opposed to a command and control centric system.

On the other hand, Burkley et al. cannot accomplish this type of operation because the control of frequency and format is only done at the command and control unit by portable system controller 12000 when it controls the portable CNC transmitter 13000. Note, portable system controller 12000 is not directly coupled to a handheld. Nor is it dedicated to any handheld.

Thus, Burkley et al. cannot and do not show the claimed system.

Since Burkley et al. do not show the claimed system the addition of the Lewicke reference is to no avail.

In view of the fact that Burkley and Lewicke are insufficient to anticipate Claim 1, Claim 1 and the claims that depend therefrom are now in allowable condition. No new search is necessary.

Allowance of the claims and issuance of the case is therefore earnestly solicited. Alternatively, entry of this Amendment for Purposes of Appeal is requested.

Respectfully submitted,



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